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09/835,518	04/17/2001	Osamu Ichiyoshi	WN-2323	5687

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EXAMINER

TRINH, TAN H

ART UNIT

PAPER NUMBER

2684

DATE MAILED: 06/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/835,518	ICHIYOSHI, OSAMU
	Examiner	Art Unit
	TAN TRINH	2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 11 March 2004.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-29 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) 11-25 and 27-29 is/are allowed.
 6) Claim(s) 1-10, 26 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Allowable Subject Matter

1. Claims 11-25 and 27-29 are allowed.

Reasons for allowance

2. The following is an examiner's statement of reasons for allowance:

Regarding claims 11-12 and 16-19, the examiner finds applicant's arguments persuasive as stated in applicant's response filed on 3-11-2004, pages 16-21. Accordingly, claims 11-25 and 27-29 are allowed.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-10 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barker (U.S. Pub. No. 20010023429) in view of Yamane Kazuyoshi (JP Pub. No. 08-213961).

Regarding claim 1, Barker teaches the data distribution satellite communication system (see fig. 1) comprising a communication satellite; a plurality of satellite communication terminals enabled to receive a signal from the communication satellite (see fig. 1), the data distribution satellite communication system providing, from the communication satellite to the plurality of satellite communication terminals with distribution business for a data signal in a broadcasting fashion (see figs. 1-4, page 1, sessions [0016]-[0017]); a satellite earth station (see

fig. 1, satellite earth station (NOC 13)); the data distribution center (see fig. 1, data distribution center (Content provider 11)) connected to the satellite earth station (see fig. 1, connection 12a),; and return communicating means for enabling the data distribution center to receive a data request signal from the satellite communication terminals (see figs. 1-4, page 1, sessions [0016]-[0017]), and the data request signal indicative of an emergency level of data distribution (see page 2, session [0026], line 6). But, Barker fails to show the data request signal including a code indicative of an emergency level of data distribution.

However, Yamane Kazuyoshi teaches the data request signal including a code (see Yamane, abstract constitution, line 2 the data with key code indicative of an emergency level of data distribution (see Yamane, abstract constitution, lines 4-10),

Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Baker system by the teaching of Yamane on the information service system data with key code on the quick service (immediately report) or none-immediately report required thereto in order to provide user with flexible choices.

Regarding claim 2, Baker teaches wherein the data request signal has, as the emergency level of the data distribution, a class indicative of instant, within ten minutes, within thirty minutes, within one hour, within six hours, within one day, within one week, a periodic distribution (see page 3, sessions [0042-0043].

Regarding claim 3, Baker teaches the return communicating means, comprises a ground communication network for each of the satellite communication terminals having no transmitting

function to the communication satellite (see fig. 1, content provider 11 no transmitting function to the communication satellite item 12a and modem 18).

Regarding claim 4, Baker teaches wherein the satellite earth station comprises: satellite communicating means for receiving (see fig. 1, NOC 13 and server 15), the data request signal from the satellite communication terminal communicated via the communication satellite and means for transferring the received signal to the data distribution center (see fig. 1).

Regarding claim 5, Yamane Kazuyoshi teaches when the emergency level of the data distribution indicates the instant, the data distribution center comprises instant data distributing means for

transmitting, via the satellite earth station and the communication satellite, a data signal requested by the data request signal by preparing to a signal format including an address of a request source as soon as possible (see Yamane Constitution, lines 1-12).

Regarding claim 6, Baker teaches when the emergency level of the data distribution of the satellite communication terminal serving as a request source indicates no instant or the periodic distribution, the data distribution center comprises means for preparing a reservation signal including a distribution time instant as well as a reservation number to transmit the reservation signal to the request source via the satellite earth station and the communication satellite, and the satellite communication terminal of the request source comprising means for

receiving distribution data including said reservation number as an address at the distribution time instant (see page 3, sessions [0040-0043].

Regarding claim 7, Baker teaches wherein the data distribution center comprises an electronic library means for storing a broad range of information for meeting a demand in users of the satellite communication terminals in an electronic form, the electronic library means establishing a home page indicative of the broad range of information on the Internet to submit retrieval of the users, the electronic library means distributing information requested in accordance with a data request of the users (see fig. 1 content provider 11 and internet 12, page 4, session [0051] and [0022]).

Regarding claim 8, Baker teaches the satellite communication educational institution (see fig. 1, the content provider 11 with the internet 12) comprising: a communication satellite (see fig. 1 satellite 14); a plurality of satellite communication terminals (see fig. 1, satellite communication terminal 13 and 15) each enabling to receive a signal from the communication satellite (see fig. 1); a satellite earth station for carrying out a principal communication via the communication satellite (see fig. 1); and a data distribution center connected to the satellite earth station by a communication channel (see fig. 1, data distribution center (content provider 11) to satellite earth station NOC 13) the data distribution center comprising an electronic library for storing collected information in an electronic form (see fig. 1 content provider 11 with Internet 12), the electronic library presenting stored contents to users of the satellite communication terminals to submit retrieval of the users (see fig. 1 content provider 11 and internet 12, page 4, sessions [0019-0020], [0051] and [0022]), the electronic library supplying information requested

in accordance with a data request signal from the users (see page 2, sessions [0019-0020]), the data request signal of an emergency level of data distribution (see page 2, sessions [0019-0020, 0026 and 0040]). But, Barker fails to show the data request signal including a code indicative of an emergency level of data distribution.

However, Yamane Kazuyoshi teaches the data request signal including a code (see Yamane, abstract constitution, line 2 the data with key code) indicative of an emergency level of data distribution (see Yamane, abstract constitution, lines 4-10),

Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Baker system by the teaching of Yamane on the information service system data with key code on the quick service (immediately report) or none-immediately report required thereto in order to provide user with flexible choices.

Regarding claim 9, Baker teaches wherein further comprises a ground communication network for connecting the data distribution center and the plurality of satellite communication terminals (see fig. 1, content provider 11 connect to NOC 13 and server 15).

Regarding claim 10, Baker teaches wherein further comprises a data communication network for connecting the data distribution center and a database for information collection (see fig. 1, Internet 12).

Regarding claim 26, Yamane Kazuyoshi teaches wherein the data request signal comprises, as the emergency level of the data distribution (see Yamane, abstract constitution, line 2 the data with key code and lines 4-10), one of instant, within ten minutes, within thirty

minutes, within one hours, within six hours, within one day, with in one week, and a periodic distribution (see detailed description session [0059-0063]).

Response to Arguments

5. Applicant's arguments filed 03/11/04 have been fully considered but they are not persuasive.

Regarding claims 11-12 and 16-19, the examiner finds applicant's arguments persuasive. Accordingly, claims 11-12 and 16-19 are allowed.

Regarding claims 1-10, applicant argues that Barker and Kazuyoshi are nonanalogous art (see pages 22-23 of applicant's remarks), it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Barker and Kazuyoshi are both related to **satellie communications systems** which is in the field of applicant's endeavor. Therefore, the examiner contends that Barker and Kazuyoshi are nonanalogous art.

In addition, in response to applicant's argument that there is no suggestion to combine the references (see page 23 of applicant's remarks), the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the motivation to combine applied

references are found in the references themselves (i.e., to obtain flexible choices as stated in the “Purpose” section in Kazuyoshi).

In addition, applicant argues that the key code disclosed in Kazuyoshi only determines how much data is stored and does not have anything at all to do with when the data is broadcast to the pager (emphasis added by applicant. See pages 23-26 of applicant’s remarks). The examiner, however, disagrees. First of all, it is noted that the features upon which applicant relies (i.e., when the data is broadcast) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Furthermore, Kazuyoshi does disclose that the key code is related with when the data is broadcast to the pager. See the “Constitution” section which states “The user selects whether a quick detailed report mode (when the user desires details **immediately**) or a usual mode (when the user does not want immediate report)”.

For the foregoing reasons, the examiner contends that the rejection to claims 1-10 are proper.

Conclusion

6. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for Technology Center 2600 only)

*Hand-delivered responses should be brought to Crystal Park II,
2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).*

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tan Trinh whose telephone number is (703) 305-5622. The examiner can normally be reached on Monday-Friday from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung, can be reached at (703) 308-7745.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Technology Center 2600 Customer Service Office** whose telephone number is **(703) 306-0377**.

Tan H. Trinh
Art Unit 2684
May 26, 2004



NICK CORSARO
PATENT EXAMINER